

REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entry of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment places the claims in condition for allowance, and does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

Claims 1-6 and 8 are pending. Claims 1, 3-4, 6, and 8 are amended to address cosmetic issues of form, and not for substance. No new matter is introduced.

In the outstanding Office Action, Claims 1-6 and 8 were rejected under 35 U.S.C. § 112, second paragraph.

Initially, Applicants respectfully request that the references cited in the Information Disclosure Statement (IDS) filed on May 16, 2006 be acknowledged as having been considered in the next Office Action. The noted IDS was filed in conformity with the requirements of 37 C.F.R. §§ 1.97 - 1.98. However, consideration of the references listed in the IDS filed on May 16, 2006 was not indicated on the record insofar as initialed PTO 1449 form has not been mailed from the PTO. Applicants respectfully request that consideration of these references be acknowledged on the record.

Claims 1, 3-4, 6, and 8 are amended in reply to their rejection as being indefinite. MPEP § 2173.02 states that:

The test for definiteness under 35 U.S.C. § 112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the

specification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*,
806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

It is submitted that Claims 1, 3-4, 6 and 8, as amended, would be understood by one skilled in the art, and are therefore in compliance with the requirements of 35 U.S.C. § 112, second paragraph. As such, Claims 1, 3-4, 6 and 8 are in condition for allowance together with any claim depending therefrom. Accordingly, it is respectfully requested that the rejection of Claims 1-6 and 8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-6 and 8 is earnestly solicited.

Respectfully submitted,

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